

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KENNETH RAY ADAMS, §
§
VS. § CIVIL ACTION NO.4:08-CV-260-Y
§
NATHANIEL QUARTERMAN, §
Director, T.D.C.J. §
Correctional Institutions Div., §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Kenneth Ray Adams under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 2, 2009; and
3. The petitioner's written objections to the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on April 23, 2009.

The Court, after **de novo** review, concludes that the Petitioner's objections must be overruled, and that the petition for writ of habeas corpus should be denied, in part, and dismissed with prejudice, in part, for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

Petitioner Adams's ground for relief one, that the Texas Board of Pardons and Paroles has incorrectly calculated his parole eligibility date, and ground for relief two, that he newly discovered that the trial court erroneously entered an affirmative deadly weapon finding after conclusion of his jury trial, are

DISMISSED WITH PREJUDICE.

Petitioner Adams's ground for relief three, that the Texas court of Criminal Appeals erred in dismissing his state application for writ of habeas corpus as successive, is DENIED.

SIGNED April 28, 2009.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE